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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,407

10/20/2003

Sam Johnson

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35856

7590

12/13/2006

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EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

211

Office Action Summary	Application No. 10/689,407	Applicant(s) JOHNSON, SAM	
	Examiner Sunit Pandya	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination

This office action is in response to a Request for Continued Examination (RCE) filed October 9th, 2006.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi (US Patent Number 6,843,723) in view of Bronson et al. (US Patent Number 6,682,432).

Claim 1: Joshi teaches a system for providing closed-loop operation for promotional events for a video gaming machine (10 and also col. 2: 4-11). The promotional event is associated with particular winning criteria – i.e., as determined by the modified payout structure (col. 2: 32-39). Joshi describes a controller box that is operable to interface to the video gaming machine and is interconnected to the main processor of the gaming machine (figure 2, 16). Joshi describes storing the visual element datasets in a memory device (20) that interfaces with the game machine processor (col. 2: 40-42). This is combination of memory device and processor is a controller box that is operable to interface to the video gaming machine. There may be

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a promotional server (152) that is communicatively coupled to the controller box and operable to maintain a database of promotional events with each promotional event having promotional content (visual motif), winning criteria (modifiable payout structure) and scheduling information (a list of holidays, start and stop times). (See Summary of the Invention section.) As noted above, this information is loaded into the memory device. Thus the server (152) delivers to the controller box, at least a portion of the database of promotional events. The controller box displays promotional content on the display of the video gaming machine. Figures 12 & 13 show the display of Christmas promotional content. The controller box, which includes the CPU (16), monitors the activity of the video gaming machine to determine if the winning criteria have been met. The controller box provides information indicating that the winning criteria for a particular promotional event have been satisfied – by causing payout mechanism (22) to pay out winnings.

Joshi does not specifically disclose that the promotional server receives from the controller box, messages indicating that the winning criteria for a particular promotional event have been met. It is well known to send all information regarding winnings to a server for casino accounting purposes. Bronson teaches reporting winning conditions to an accounting server (71 and col. 6: 22-36). This allows the casino to keep track of the money paid out – a matter of vital importance. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Joshi in view of Bronson to have the server receive messages from the controller box indicating that the

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winning criteria for a particular promotional event have been met in order to allow the casino to keep track of money paid out.

Claim 2: The promotional server includes a software program that enables a user to define particular promotional events by defining an award to be associated with the promotional event (i.e., designating the modified payout structure); defining a schedule for the promotional event; defining the winning criteria for the promotional event; receiving instructions to store the defined promotional event; and storing the defined promotional event into the database (see summary of the invention).

Claim 3: The software program further comprises an interface to upload graphical and textual content to be included in the promotional content (col. 10: 4-18).

Claim 4: The software program must include an interface to create graphics and textual content to be included in the promotional content. The data must be created before it can be downloaded.

Claim 5: The controller box is associated a single video gaming machine that is associated to a single user and is operative to display the promotional content in accordance with the scheduling information (figure 18A, wherein the change in promotional content will not alter the gaming method or the content associated with the gaming machine).

Claim 6: The controller box is operative to receiving entertainment content (i.e., game motifs) from an entertainment source (152) and to display the entertainment content on the display of the video gaming machine.

Claims 7-10: Joshi teaches implementation on both video poker and video blackjack machines (col. 15: 38-40). While the choice of which hands to make into winning criteria is a matter of design choice – any combination of cards could be considered a “winning hand”, Joshi teaches that the winning criteria may be the appearance of three symbols that are not included on the payout table (col. 5: 57-60). Thus Joshi teaches winning combinations that are not in the payout table and teaches winning combinations that are a particular hand (figs 4A & B).

Response to Arguments

Applicant's arguments filed 10/9/2006 have been fully considered but they are not persuasive.

The applicant argues that Joshi does not disclose all of the claimed limitation of claim 1. Specifically applicant argues that the claimed invention recites, “...whereby the operation of the video gaming machine and the payout table remain intact” and that the promotional event has a winning criteria that is “defined independently from the payout table.”

The examiner respectfully disagrees with the applicant. Joshi teaches, in at least one embodiment, modifying the display characteristics or motif of the game, however by changing or modifying the display, Joshi is only changing the promotional event from the current state to the next state (i.e. different themes in col. 2: 5-11), and by no means is Joshi changing the underlying game or gaming method associated with the gaming

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machine (i.e. still allowing same paylines for the payouts, etc). Thus Joshi only modifies the promotional event and keeps the operation of the gaming machine intact.

The applicant argues that Joshi does not disclose all of the claimed limitation of claim 1. Specifically applicant argues that Joshi describes modifying the payout table of the underlying game. The examiner respectfully disagrees with the applicant, Joshi allows for modification of the payout table in one of the alternative method of playing (see col. 2: 32-39 wherein Joshi states "In a further alternative to maintain player appeal..."), thus changing the payout table is not required by Joshi but is just another option to maintain player's interest in the game.

The applicant argues that Joshi does not disclose all of the claimed limitation of claim 1. Specifically applicant argues that Joshi "takes over the operation of the basic game and invokes the new game"; the applicant respectfully disagrees with the applicant. In the said reference, Joshi only changes the motif or the display characteristics of the game theme (as disclosed in col. 2: 5-11, wherein different themes can be implemented in to the gaming machine through controller 152 during different times). But Joshi leaves the structure of the underlying game intact, including all the payout tables, paylines and winning combination for the games as well as the bonus games. Thus Joshi only invokes promotional event change and not the game structure change.

Conclusion

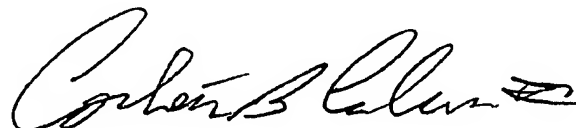
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", followed by a stylized flourish or checkmark.

**CORBETT B. COBURN
PRIMARY EXAMINER**